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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/513,652	02/25/2000	James G. Hanko	83000.1134;P4725/ARG	6825
7590	11/28/2003		EXAMINER	
Brian M. Berliner, Esq. O'MELVENY & MYERS LLP 400 South Hope Street Los Angeles, CA 90071-2899			NGUYEN, THANH T	
			ART UNIT	PAPER NUMBER
			2143	16
DATE MAILED: 11/28/2003				

Please find below and/or attached an Office communication concerning this application or proceeding.

FEB

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	09/513,652	HANKO ET AL.	
	Examiner	Art Unit	
	Tammy T Nguyen	2143	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE (3) MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) Responsive to communication(s) filed on October 17, 2003.

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) Claim(s) 20-39 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 20-39 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____	6) <input type="checkbox"/> Other: _____



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**Detailed Office Action**

1. Claims 20-39 are presented for examination.
2. Examiner is unclear in claims 20, 31, and 36 whether “Client” or “server” or “Client-server”.

***Response to Arguments***

3. Applicant's arguments with respect to claims 20-39 have been considered but are moot in view of the new ground(s) of rejection.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 20-30, and 36-39 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Spilo et al., (hereinafter Spilo) U.S. Patent No. 6,298,422 , and Susai et al., (hereinafter Susai) U.S. Patent No. 6,411,986, in view of Peterson et al., (hereinafter Peterson) U.S. Patent No. 6,549,934.

6. As to claim 20, Spilo teaches a method of improving access to one or more resources on a client server comprising: serving a plurality of applications from said client server to a stateless Desktop Unit (DTU) (col. 3, lines 35-47, and col.4, lines 1-13); determining when an application served from said client server to said stateless DTU should become inactive (col.4, lines 38-67); served from said client server to indicate that said application should stop or reduce consuming said one or more resources on said client server (col.5, lines 40-60, and col.4, lines 50-67); served from said client server to indicate that said application should resume or increase consuming said one or more resources on said client server (col.1, lines 30-37). But does not teach filtering application from said plurality of applications served from said client server via a filter located within said client server and separated from said plurality of applications, and sending a first and second signal to applications from filter. However, Peterson teaches filtering application from said plurality of applications served from said client server via a filter located within said client server and separated from said plurality of applications (Fig.2A, shows that Server NetDevice Object is a filter), and sending a first and second signal to applications from filter (col.6, lines 56-67, shows that server Netdevice Object send out a status). It would have been obvious to one of ordinary skill in the Data Processing art at the invention to combine the teachings of Spilo and Peterson to have a filter located within a server to send first and second signal to applications because it would have an efficient

that can provide a program that examines incoming data to ensure that only information within certain parameters is allowed to pass through.

Spilo and Peterson do not teach determining when said application served from said client server should resume activity. However, Susai teaches the determining when said application served from client server should resume activity (col.4, lines 16-49). It would have been obvious to one of ordinary skill in the Data Processing art at the invention to combine the teachings of Spilo, Peterson and to have an application served from client server should resume activity because it would have an efficient that can provide automatically function that can return to or begin again after interruption.

7. As to claim 21, Spilo teaches the invention as claimed, wherein determining when said application should become inactive comprises determining when a session associated with a user is no longer active by identifying when said stateless DTU is disassociated with said session (col.4, lines 8-13)

8. As to claim 22, teaches the invention as claimed, wherein said client server maintains said session with said user when user said user is disconnected with said stateless DTU (col.6, lines 9-37).

9. As to claim 23, Spilo teaches the invention as claimed, wherein said client server is shared by a plurality of stateless DTUs and wherein said determining when said application should resume activity comprises determining when said session becomes active by identifying when any stateless DTU of said plurality of stateless DTUs becomes re-associated with said session (col.5, lines 1-21).

10. As to claim 25, Spilo teaches the invention as claimed, wherein said filtered

application is an application that continues to consume said one or more resources on said client server when said session associated with said user of said application is no longer active (col.13, lines 55-67, and col.4, lines 50-67), but does not teach a filter application. However, Peterson teaches a filter application (Fig.2A, shows that Server NetDevice Object is a filter). It would have been obvious to one of ordinary skill in the Data Processing art at the invention to combine the teachings of Spilo and Peterson to have a filter application because it would have an efficient that can provide a program that examines incoming data to ensure that only information within certain parameters is allowed to pass through.

11. As to claim 26, Spilo teaches the invention as claimed, wherein said application is a member of said plurality of applications (col.5, lines 1-20, col.6, lines 1-8, and col.7, lines 59-67).

12. As to claim 27, Spilo teaches the invention as claimed, wherein said member comprises a subset of said plurality of applications (col.5, lines 1-20, col.6, lines 1-8, and col.7, lines 59-67).

13. As to claim 28, Spilo teaches the invention as claimed, wherein said first signal comprises an operating system command to stop a process (col.4, lines 50-67); and said second signal comprise an operating system command to start a process (col.5, lines 40-60).

14. As to claim 29, Spilo does not teach the invention as claimed, wherein each of said serving, filtering, sending, and determining steps are performed without modifying said application in any way via said filter separated from said plurality of applications. However, Peterson teaches each of said serving, filtering, sending, and determining steps

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are performed without modifying said application in any way via said filter separated from said plurality of applications (Figure 2, and col.6, lines 56-67). It would have been obvious to one of ordinary skill in the Data Processing art at the invention to combine the teachings of Spilo and Peterson to have a filter is separated from said plurality of applications because it would have an efficient that can provide a program that examines incoming data to ensure that only information within certain parameters is allowed to pass through.

15. As to claim 30, Spilo teaches the invention as claimed, wherein said client server provides a computational power for said stateless DTU and a state maintenance for said stateless DTU (col.5, lines 1-21, and col.5, lines 40-60).

16. Claims 31-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Spilo et al., (hereinafter Spilo) U.S. Patent No. 6,298,422, in view of Peterson et al., (hereinafter Peterson) U.S. Patent No. 6,549,934.

17. As to claim 31, Spilo teaches the invention as claimed, including a client server serving a plurality of applications to a stateless Desktop Unit (DTU), the client server comprising: a resource (col.2, line1 to col.3, line 5); a first session associated with a user on a first stateless DTU; wherein said first session is disassociated with said first DTU, indicating that said first session is inactive (col.3, lines 35-47, and col.4, line 1-13); at least one member of said plurality of applications indicating that said at least one member should stop consuming said resource (col.4, lines 38-49); said at least one member indicating that said at least one member should resume consuming said resource (col.5, line 40-60). But does not teach a filter for managing consumption of said resource; wherein said filter is separated from said plurality of applications. However, Peterson

teaches a filter for managing consumption of said resource (col.6, lines 56-67), and wherein said filter is separated from said plurality of applications (Fig.2A, shows that Server NetDevice Object is a filter). It would have been obvious to one of ordinary skill in the Data Processing art at the invention to combine the teachings of Spilo and Peterson to have a filter is separated from said plurality of applications because it would have an efficient that can provide a program that examines incoming data to ensure that only information within certain parameters is allowed to pass through.

18. As to claim 32, Spilo teaches the invention as claimed, wherein said any stateless DTU comprises said first stateless DTU and a second stateless DTU (col.5, lines 1-21, and col.5, lines 40-60).

19. As to claim 34, Spilo does not teach the invention as claimed, wherein said client server comprises a first client server and a second client server, wherein said first and second signals are sent by said first client server comprising said filter, and wherein said plurality of applications are served by said second client server, but Peterson teaches client server comprises a first client server and a second client server, wherein said first and second signals are sent by said first client server comprising said filter, and wherein said plurality of applications are served by said second client server (Fig.2, and col.6, lines 56-67). It would have been obvious to one of ordinary skill in the Data Processing art at the invention to combine the teachings of Spilo and Peterson to have a filter located within a server to send first and second signal to applications because it would have an efficient that can provide a program that examines incoming data to ensure that only information within certain parameters is allowed to pass through.

20. As to claim 35, Spilo teaches the invention as claimed, wherein said at least one

member comprises a subset of said plurality of applications (col.5, lines 1-20, col.6, lines 1-8, and col.7, lines 59-67).

21. As to claim 36, Spilo teaches the invention as claimed, including a computer program product comprising: a plurality of client servers having computer readable program code embodied therein for improving access to one or more resources on said plurality of servers comprising: computer readable program code configured to cause a stateless Desktop Unit (DTU) to improve access to one or more resources on at least one of said plurality of client servers serving a plurality of applications to said DTU comprising: computer readable program code configured to cause at least one of said plurality of client servers to determine when an application should become inactive (col.4, lines 38-67); Computer readable program code configured to cause at least one of said plurality of client servers to send a first signal to said application indicating that said application should stop or reduce consuming said one or more resources (col.5, lines 40-60, and col.4, lines 50-67); and computer readable program code configured to cause at least one of said plurality of client servers to send a second signal to said application indicating that said application should resume or increase consuming said one or more resources (col.5, lines 40-60), but does not teach computer readable program code configured to cause a filter on at least one of said plurality of client servers to filter said applications from said plurality of application and computer readable program code configured to cause at least one of said plurality of client servers via said filter to send first and second signal to application. However, Peterson teaches computer readable program code configured to cause a filter on at least one of said plurality of client servers to filter said applications from said plurality of application (Fig.2A, shows that Server

NetDevice Object is a filter), and computer readable program code configured to cause at least one of said plurality of client servers via said filter to send first and second signal to application (col.6, lines 56-67). It would have been obvious to one of ordinary skill in the Data Processing art at the invention to combine the teachings of Spilo and Peterson to have a filter located within a server to send first and second signal to applications because it would have an efficient that can provide a program that examines incoming data to ensure that only information within certain parameters is allowed to pass through. Also Spilo and Peterson do not teach determining when said application served from said client server should resume activity. However, Susai teaches the determining when said application served from client server should resume activity (col.4, lines 16-49). It would have been obvious to one of ordinary skill in the Data Processing art at the invention to combine the teachings of Spilo, Peterson and Susai to have an application served from client server should resume activity because it would have an efficient that can provide automatically function that can return to or begin again after interruption.

22. As to claim 37, Spilo teaches the invention as claimed, wherein said computer readable program code configured to cause said client server to determine when said application should become inactive comprises computer readable program code configured to cause at least one of said plurality of client servers to determine when a session is no longer active by identifying when said stateless DTU is disassociated with said session (col.4, lines 38-67).

23. As to claim 38, Spilo teaches the invention as claimed, wherein said computer readable program code configured to cause said server to determine when said application should resume activity comprises computer readable program code

configured to cause at least one of said plurality of client servers to determine when said session becomes active by identifying when any DTU becomes re-associated with said session (col.4, lines 38-67, and col.5, lines 1-21).

24. As to claim 39, Spilo teaches the invention as claimed, wherein said first signal and said second signal comprise operating system commands (col.4, lines 50-67).

25. Claims 24, and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Spilo et al., (hereinafter Spilo) U.S. Patent No. 6,298,422 and Susai et al., (hereinafter Susai) U.S. Patent No. 6,411,986 in view of Tushie et al., (hereinafter Tushie) U.S. Patent No. 6,014,748.

26. As to claim 24, and 33 Spilo and Susai do not teach the invention as claimed, wherein an identifier is used to cause the association and wherein identifier comprises a smart card. However, Tushie teaches an identifier causing the association is a smart card (col.11, liens 25-35, and col.14, lines 33-54). It would have been obvious to one of ordinary skill in the Data Processing art at the invention to combine the teachings of Spilo, Susai and Tushie to have an smart card includes in a communication system because it would have an efficient that can provide specific function that given it some kind of independent decision-making ability.

### ***Conclusion***

27. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Jindal et al      U.S. Patent No. 6,249,803      Issued June 19, 2001

Navare et al      U.S. Patent No. 6,412,015      Issued June 25, 2002.

28. Any inquiries concerning this communication or earlier communications from the

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examiner should be directed to **Tammy T. Nguyen** who may be reached via telephone at **(703) 305-7982**. The examiner can normally be reached Monday through Friday between 8:00 a.m. and 4:30 p.m. eastern standard time.

If you need to send the Examiner, a facsimile transmission regarding this instant application, please send it to **(703) 872-9306**. If attempts to reach the examiner by telephone are unsuccessful, the Examiner's Supervisor, **David Wiley**, may be reached at **(703) 308-5221**.

*TTN*

November 14, 2003



DAVID WILEY  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100